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200535Z Jan 05

UNCLAS SECTION 01 OF 05 KINSHASA 000088

SIPDIS

SENSITIVE

DEPT PLEASE PASS TO JUSTICE, HOMELAND SECURITY, DEPT OF
LABOR, DEPT OF TREASURY

PARIS PLEASE PASS TO AFRICA WATCHER

FROM BRAZZAVILLE EMBASSY OFFICE

DEPT FOR G/TIP, AF/C - C. BARGERON, AF/RSA, INL, DRL,
PRM, IWI

E.O.12958: N/A

TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [CF](#)
SUBJECT: CONGO/B: TRAFFICKING IN PERSONS REPORT

Ref: A) 2004 State 273089 B) 2004 Kinshasa 1615

[1](#)1. Sensitive but unclassified - entire text.

[1](#)2. Embassy Brazzaville submits the following
Trafficking in Persons (TIP) report. Responses are
keyed to the questions in Ref A.

Republic of Congo (Congo/B)

Overview of activities to eliminate trafficking in
persons:

[1](#)A. Congo/B is not believed to be an origination or
destination country for trafficking in persons (TIP).
There is no evidence that the government is complicit
or intentionally allowing TIP. There is evidence,
however, that west-African residents, mostly from Togo
and Benin, do bring "minors" who they claim and can
show documentation for as family relatives. There are
no statistics or proof that the minors are trafficked.
There is also no evidence of trafficking in men or
women (Ref B).

[1](#)B. As stated in point A, there is no evidence or proof
that children, men or women are trafficked. More
investigation needs to be done to determine the status
of "minor relatives" documented from Benin and Togo.

[1](#)C. No, there has not been any change of direction since
past two month investigative efforts by the Mission in
August 2004 (Ref B) and information gleaned from NGOs.

[1](#)D. With resources from Mission's DHFR, a local NGO,
Association Panafricain Thomas Sankara (APTS) is
undertaking a survey on this issue. There was no
survey conducted last year. Since Congo-Brazzaville is
a post-conflict country coming out of six years of
civil conflict where the infrastructure was destroyed,
there are no government archives or reports on this
issue.

[1](#)E. We will need to see the results of APTS's survey to
determine the status of the "minor relatives"
documented here from Benin and Togo. Several NGOs,
such as Obsevatoire Congolese des Droits de l'Homme
(OCDH), Aide l'Enfance, and APTS reported that Beninese
and Togolese documented children between 14-16 years
old work in the markets in Brazzaville and Pointe
Noire. They are here as "family members" of resident
Beninese and Togolese immigrants.

[1](#)F. Congo/B is not a country of origin. There has never
been any evidence, even anecdotal, of Congo/B being a
country of origin.

[1](#)G. Despite its post-conflict status, the government is
making a good effort to follow this issue. The
Ministry of Foreign Affairs has engaged the Ministry of
Security to ensure that they view documentation with
this in mind. In addition, the Ministries of Social
Affairs and of Labor are devoting resources and
attention to this issue. In 2003 the Ministry of
Social Affairs participated with APTS in workshops and
seminars on trafficking in children. In addition, in
November 2004 the Ministry of Labor along with the
Office for Reinsertion of Ex-Combatants, launched a
program to assist with training and socialization of
child soldiers using USG funds provide to the

International Labor Organization (ILO). Overall Congo/B supports anti-trafficking and other anti-crime measures as it can, given its limited resources as a post-conflict country.

H. There is no evidence that, as a matter of government policy, trafficking is condoned or facilitated.

I. Congo/B is a post-conflict country in the process of rebuilding, and resources for most governmental activities, such as the police and the judicial system, are insufficient to address general needs. No resources are reserved specifically to combat trafficking in persons. However, key government Ministries, when provided with resources, have been responsive in flagging the importance of this issue. In 2004, Congo/B made an effort to improve immigration and border controls, but overall border control outside the main cities of Brazzaville and Pointe Noire remains inadequate. Overall corruption remains a problem, but the government inaugurated an anti-corruption office in 2004 in order to address this issue, and has held several anti-corruption workshops in partnership with donors, including the USG. The government lacks resources to aid victims, but some NGOs, such as APTS and the Center to Combat the Violence Against Women and Children (CCVAVC), provide limited assistance as part of a wider mission.

J. The Ministries of Security, Social Affairs, and Labor as well as the Chief of the Gendarmes are responsible for monitoring these issues, but they lack the resources to devote exclusively to anti-trafficking. The local NGO community will be the best venues to collect statistics. The pending DHRF funded survey by APTS should help address some of these issues.

K. All prostitution and related activities are illegal throughout Congo/B.

PREVENTION

A. Government recognizes the importance of the issue, and at least three Ministries - Security, Labor and Social Affairs - are responsible for following trafficking issues, as is the Gendarmerie.

B. The Ministries of Security, Social Affairs, Labor, as well as the Gendarmerie are involved in following the country's anti-trafficking efforts.

C. To date there has not been any government run information campaigns, primarily as a result of lack of resources.

D. Yes, the Ministry of Social Affairs as a matter of policy supports efforts by NGOs to address this issue, but given that Congo/B is a post-conflict country, there are no direct government resources that can be provided to the NGOs.

E. No, due to lack of resources. However, government policy supports efforts by NGOs.

F. There is a good relationship among the government, NGOs, and others focused on this issue.

G. Outside of the major cities of Brazzaville and Pointe Noire, the government does not adequately monitor its borders. The Chief of the Gendarmerie stated that the government wants to improve in this area, but given the country's post-conflict status there are not enough available resources for specific, ongoing monitoring of trafficking or verification of documentation.

H. The government does not have a specific anti-trafficking task force. The Ministry of Plan is tasked with coordinating efforts involving multiple government Ministries. The Anti-Corruption Office, which reports to the Office of the Presidency, coordinates government-wide anti-corruption efforts.

I. The government is working with ILO on child soldier issues, mostly as regards to reintegrating those involved in the 1997 - 2001 civil conflicts. In addition, there are programs with UNICEF focused on street children who mostly come over to Congo/B voluntarily from the Democratic Republic of Congo (DRC) on the daily ferry. The street children from DRC are not trafficked - they seek refuge in Congo/B from the pressures of life in DRC.

J. The government has no national action plan to combat trafficking in persons. However, it has assigned the

Ministry of Social Affairs to coordinate efforts in this area.

1K. The Ministries of Social Affairs, Labor, Security and Gendarmerie follow this issue, but there is no mandate to develop an action plan. However, if the government was presented with evidence of the issue, they would likely support suggestions to develop a plan.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. There is no law specifically prohibiting trafficking as a separate criminal offense. However, activities associated with trafficking can be prosecuted under existing criminal code provisions on rape, illegal entry, forced labor, child abuse, extortion and fraud. There are specific laws against slavery and prostitution. However, the laws indicated above, according to one NGO, APTS, do not cover the full scope of trafficking. When APTS submits its survey and report to the government, one recommendation will be for the government to promulgate laws specifically to criminalize trafficking. At present, the laws cited above would cover many of the offenses under trafficking, but not all.

1B. As indicated above, trafficking is not a separate criminal offense.

1C. The penalty for rape is long-term imprisonment. As noted earlier, trafficking is not a separate criminal offense, but there are laws for rape and forcible sexual assault under which perpetrators can be prosecuted.

1D. The government has never prosecuted a case against traffickers since this is no specific trafficking law, and to date on one here has been accused of trafficking. No statistics are available on trafficking crimes, because many archives were destroyed during the war and also because trafficking is not a distinct offense in the current criminal code. In general, statistics on crime are unreliable, as many were destroyed during the war. Current records are poorly maintained due to lack of funding, staffing and resources.

1E. There is no evidence of involvement of Congo/B government officials. It is also not believed that trafficking profits, if any, are being channeled to the Republic of Congo. As stated in the overview, there is evidence that documented minor children 14-16 are brought to Congo by "relatives" mostly from Benin and Togo, but also from Mali and Senegal. Mission has funded a survey to determine better information on the documented "minor relatives."

1F. The government does not actively investigate trafficking cases, due to the lack of a specific anti-trafficking law. To the extent that resources are available, it could investigate other crimes associated with trafficking, for which criminal laws exist, as described in paragraph A (Investigation and Prosecution) above if a person were to be found trafficking.

1G. No special training in trafficking issues is provided by the government-to-government officials. However, the government would be open to such training.

1H. No, the government does not currently have a cooperative agreement with other governments on investigations and prosecutions of trafficking. However, there is a cooperative relationship between the DRC and Congo/B Ministries on child soldiers as part of USG funds to ILO to address this issue. In addition, as a member of two Central African Regional bodies - CEEAC and CEMAC - there is a focus on protection of citizens including women and children. Under CEMAC there is a specific overall extradition agreement being drafted.

1I. As far as Post can determine there is no record of any extradition of anyone charged with trafficking since to date there is no evidence or record of trafficking, or any pending extradition request. Laws exist that could be used to extradite traffickers. Congo/B and other members of CEMAC, the Association of Central African States, recently worked on extradition treaties among member states. Therefore any CEMAC national (Gabon, Chad, CAR, Equatorial Guinea, ROC and Cameroon) arrested on trafficking-in-persons charges could be extradited under these new agreements once they are in force. As stated in point A, there are other laws under which the traffickers can be prosecuted.

1J. No evidence exists of government involvement in or tolerance of trafficking on a local or institutional level.

1K. Government officials are not known to be involved in trafficking.

1L. Congo/B does not have a child-sex tourism problem.

1M. The Republic of Congo signed Convention 182 on 23 August 2002; Convention 29 on 10 November 1960; Convention 105 on 26 November 1999. Congo/B acceded to the optional protocol to the Convention of the rights of the child on the sale of children, child prostitution and child pornography on 14 October 1993, but has not yet ratified it. Also Congo/B signed the protocol to prevent, suppress and punish trafficking in persons supplementing the UN Convention against transnational organized crime on 14 December 2000, but has not yet ratified. In 2004 they acceded to the UN Convention against Inhuman Treatment and the ICC.

PROTECTION AND ASSISTANCE TO VICTIMS:

1A. The government does not provide social assistance to trafficking victims. Some NGOs, such as the CCVAVC, provide assistance as part of a larger mission. The country has no care or health facilities specifically for trafficking victims. CCVAVC offers HIV/AIDS testing.

1B. No. Victims of trafficking if found in the country, receive no special government help, except through NGOs such as the CCVAVC.

1C. CCVAVC is contacted by or contacts law enforcement officials when abuse cases are presented to them. These abuse cases to date have not been related to trafficking. They are connected mostly to spousal abuse.

1D. For abuse cases noted in C above, victims generally are not treated as criminals. NGOs such as APTS, CCVAVC, and International Rescue Committee (IRC), work to ensure the rights of these victims' are protected.

1E. The government does not actively encourage victims to participate in investigations or prosecution because these cases have not yet presented themselves as an issue here. In addition, as stated above, there is no law specifically against trafficking. If victims of trafficking were present, they can file civil suits if they have the resources to do so. They also can file criminal complaints under other provisions of Congolese law. There is no victims restitution program. There is no information whether victims are able to obtain other employment or leave the country since there is no factual evidence to date that trafficking is an issue.

1F. Given the post-conflict status and lack of resources, the Congo/B government is not able to provide assistance to abuse victims or fund shelters. However, NGOs such as CCVAVC does assist abused women and their children and provide training.

1G. The government does not have the resources to provide training, but would be open to such training.

1H. As far as Post can determine the government has no plans to address the needs of victims because trafficking has not been identified here as an issue, including medical aid, shelter or financial help. There have not been reports, factual or anecdotal, which indicated that a ROC national has ever been the victim of trafficking or repatriated for such.

1I. Several local NGOs, APTS, OCDH and CCVAVC, have, as part of the mission, a focus on trafficking. APTS is conducting the first Congolese study of trafficking in persons, and CCVAVC tries to provide HIV/AIDS testing, psychological assistance, and provide training in income-generating activities for abused women (mostly spousal abuse) and children. However, thus far, there is no evidence that the abused women or children are connected with trafficking. In order to maintain its independence as a Human Rights organization, APTS receives no assistance from the government, but the government does not impede or oppose its work, nor does it impede the work of CCVAVC or OCDH. CCVAVC works closely with law enforcement in the cases of abused women (spousal abuse) and children. The pending survey by APTS on trafficking will be presented to the government. The survey is expected to be completed in 2005.

13. Brazzaville Embassy Office - Sanders

